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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,259	12/22/2003	Jeffrey Dean Lindsay	KCX-736 (18588)	4457
22827	7590	08/21/2006	EXAMINER	
DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			CRAIG, PAULA L	
			ART UNIT	PAPER NUMBER
			3761	

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/743,259	Applicant(s) LINDSAY ET AL.	
	Examiner Paula L. Craig	Art Unit 3761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 13-20, 22-33, and 35-37 is/are pending in the application.
- 4a) Of the above claim(s) 15, 18, 19, 25, 28, 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13, 14, 16, 17, 20, 22-24, 26, 27, 29, 30, 33 and 35-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 13-20, 22-33 and 35-37 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

## **DETAILED ACTION**

### ***Response to Arguments***

1. The objection to Fig. 2 of the drawings is maintained for the reasons of record. The objections to Claims 13-37 are withdrawn. The rejection of Claims 21 and 34 are withdrawn as moot. As to the rejections of Claims 13, 14, 16, 17, 20, 22-24, 26, 27, 29, 30, 33, and 35-37, Applicant's arguments in the response filed June 5, 2006, have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 14, 16, 17, 24, 27, 29, 30, and 37 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The specification does not describe an embodiment having the adhesive dose changing as a function of distance, with the weight per unit area of the adhesive applied varying by at least 20% by weight, in combination with **either** a swirl-like pattern with loop size changing as a function of distance; the adhesive applied in an amount ranging from about 1 to about

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100 gsm; or the adhesive pattern alternating between the swirl-like pattern and a continuous bead.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 13, 17, 20, 22-24, 26, 30, 33, and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0173018 to Harris in view of U.S. Patent No. 6,635,798 to Yoshioka et al.

7. For Claims 13, 22, 23, 26, 35, and 36, Harris teaches an absorbent garment or absorbent product with multiple components (diaper, paragraph 5). Harris teaches an adhesive secured between two flat substrates such as those forming a diaper (paragraph 14). The adhesive is applied at least partly according to a swirl-like pattern, with the adhesive pattern changing as a function of distance, and the adhesive pattern

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changing according to pattern breadth or adhesive dose in weight per area along the distance (Figs. 7-11 and paragraphs 39-42). Harris teaches that the adhesive dose of the adhesive pattern changes as a function of distance (Figs. 7-11 and paragraphs 12 and 39-42). Harris teaches that the thicker sections of adhesive are formed by crossover points forming conglomerated adhesive masses, with the adhesive masses being preferably at least twice the width of the thinner sections of adhesive (Figs. 7-11 and paragraphs 12 and 39-42). Harris teaches that the thinner sections of adhesive may be stretched to their breaking point (paragraph 42). Harris does not expressly teach the weight per unit area of adhesive applied varying by at least 20%, 50%, or 90% by weight. However, as Harris teaches thick conglomerated adhesive masses joined by thin or even broken adhesive filaments, it would be obvious for the weight per unit area of adhesive to vary by at least 20%, 50%, or 90% by weight. Applicant's specification does not disclose that having the weight per unit area of adhesive vary by at least 20%, 50%, or 90% by weight serves any stated purpose or solves any particular problem. See *In re Boesch and Slaney*, 205 USPQ 215 (CCPA 1980). Harris also does not expressly teach the flat substrates of the diaper being the liner, outer cover, or absorbent structure, or the absorbent structure being located adjacent the interior surface of the outer cover. However, it is well known in the art of diaper manufacturing for flat substrates between which elastic strands are adhesively attached to be a liner, an outer cover, or an absorbent structure positioned between the liner and the outer cover, or adjacent to the interior surface of the outer cover. Yoshioka confirms this and teaches elastic strands adhesively attached between a liner and an outer cover and

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adjacent the interior surface of the outer cover (outer cover is backsheet 3, Figs. 1 and 3, col. 2, lines 29-38, and col. 6, lines 17-22). It would have been obvious to one of ordinary skill in the art of diaper manufacturing to modify Harris for the adhesively attached flat substrates to be the liner and outer cover of an absorbent garment, as taught by Yoshioka.

8. For Claims 17 and 30, Harris teaches the adhesive pattern alternating between a swirl-like pattern and a continuous bead (Fig. 7 and paragraph 39).

9. For Claims 20 and 33, Harris teaches the garment being a diaper (paragraphs 13 and 14).

10. For Claims 24 and 37, Harris teaches the continuous bead having a zigzag pattern or a scalloped pattern (Figs. 7-8a).

### ***Conclusion***

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula L. Craig whose telephone number is (571 )272-5964. The examiner can normally be reached on 6:30AM-3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tanya Zalukaeva can be reached on (571) 272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Paula L Craig  
Examiner  
Art Unit 3761

**TATYANA ZALUKAEVA**  
**PRIMARY EXAMINER**



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